

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

George J. Gleeson,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 3:11-cv-00060
)	
Sheryl Crow, Kid Rock, Kelly Clarkson,)	ORDER
and Reba McEntire,)	
)	
Defendants.)	

Plaintiff George J. Gleeson (“Gleeson”), who is proceeding *in forma pauperis* (“IFP”), filed a *pro se* complaint and an amended complaint against defendants Sheryl Crow, Kid Rock, Kelly Clarkson, and Reba McEntire. (Doc. #5, Doc. #7). Gleeson’s original complaint alleged that his “personal vehicle” was “illegally entered” and “copyrighted intellectual properties of the mind were taken” (Doc. #5, p. 3). He claimed the intellectual property was plagiarized and registered in someone else’s name. Id. Gleeson also stated he had a “discussion in 1982 with Harvard University entertainment professors who assured [him] of [his] value [in his] common law copyrighted work.” Id.

The court reviewed the IFP complaint under 28 U.S.C. § 1915(e)(2) and noted several deficiencies. Specifically, Gleeson did not state who illegally entered his vehicle or where the theft occurred, what copyrighted materials were taken and plagiarized, who registered the allegedly plagiarized materials in his or her name, or when any of these things happened. (Doc. #6). The court presumed that since Gleeson had named musicians as defendants, he was alleging the defendants infringed on lyrics and/or music copyrights he owns, but Gleeson did not state which songs were appropriated and he did not refer to any of the named defendants beyond the caption of his complaint. Id. The court allowed Gleeson an opportunity to amend his complaint

subject to a warning that his complaint may be dismissed as frivolous or for failing to state a claim that is plausible on its face. Id.

Gleeson's amended complaint alleges that his "motor home" was vandalized and property was stolen from it more than fifty times. The intrusions into his motor home allegedly resulted in the plagiarism of the lyrics and titles of the songs "A Moment Like This,"¹ "Since U Been Gone,"² "Because of You,"³ "Only God Knows Why,"⁴ and "Picture."⁵ Gleeson states that

¹ The song "A Moment Like This" was written in 2002 by Jörgen Elofsson and John Reid for the first season of American Idol. See Online Records of the United States Copyright Office, <http://www.copyright.gov/records/>, Registration Number PA0001073582. It was performed by the season's winner, Kelly Clarkson, and subsequently appeared on Clarkson's 2003 debut album "Thankful." See Id., Registration Number SR0000355313.

² The song "Since U Been Gone" was written in 2004 by Martin Karl Sandberg, known professionally as Max Martin, and Lukasz Gottwald, known professionally as Dr. Luke. See Online Records of the United States Copyright Office, <http://www.copyright.gov/records/>, Registration Number PA0001160750. The song was released on Kelly Clarkson's second album "Breakaway" in 2004. See Id., Registration Number SR0000352147. The court notes that in Gleeson's amended complaint he lists the song as being titled "Since You've Been Gone."

³ The song "Because of You" was written in 2004 by Kelly Clarkson, David Hodges, and Ben Moody. See Online Records of the United States Copyright Office, <http://www.copyright.gov/records/>, Registration Number PA0001161120. The song was released on Kelly Clarkson's second album "Breakaway" in 2004. See Id., Registration Number SR0000352147. It was re-released in 2007 as a duet between Kelly Clarkson and Reba McEntire on McEntire's album "Reba Duets." See Id., Registration Number SR0000614542.

⁴ The song "Only God Knows Why" was written in 1998 by Robert J. Ritchie, professionally known as Kid Rock, Matthew L. Shafer, professionally known as Uncle Kracker, and John A. Travis. See Online Records of the United States Copyright Office, <http://www.copyright.gov/records/>, Registration Number SR0000204532. It was released on Kid Rock's album "Devil Without a Cause" in 1998. See Id., Registration Number PA0001009077.

⁵ The song "Picture" was written by Robert J. Ritchie, professionally known as Kid Rock, and Sheryl Crow. See Online Records of the United States Copyright Office, <http://www.copyright.gov/records/>, Registration Number PA0001114108. It was released in 2001 on Kid Rock's album "Cocky." See Id.

the Federal Bureau of Investigations “received a copy of [the] complaint against [the] listed defendants approx[imately] four years ago” (Doc. #7, p. 2).

Under 28 U.S.C. § 1915(e)(2), the court may *sua sponte* review an IFP complaint and dismiss the action if it is frivolous or malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if “it lacks an arguable basis either in law or fact.” Neitzke v. Williams, 490 U.S. 319, 325 (1989). The term frivolous “embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” Id.

Gleeson’s original complaint alleged his copyrighted materials were stolen from his “personal vehicle.” He alleges in his amended complaint that either the defendants themselves or someone at the direction of the defendants illegally entered his “motor home” more than fifty times and plagiarized the lyrics to the popular songs. Gleeson’s factual allegations are wholly incredible.⁶ It is **ORDERED** that Gleeson’s amended complaint (Doc. #7) is **DISMISSED** without prejudice as frivolous. The court also finds that any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

JUDGMENT SHALL BE ENTERED ACCORDINGLY.

⁶ The court notes that Gleeson has filed a similar lawsuit in the past. In 2005 Gleeson filed a *pro se* complaint against Michael Jackson and Quincy Jones alleging the theft of the songs “Thriller,” “We are the World,” and “Do You Remember,” as well as the theft of the popular dance referred to as the “moonwalk.” See Gleeson v. Jackson, No. 1:05-CV-088, 2006 WL 462110 (D.N.D. Feb. 23, 2006) (unpublished) (defendants’ summary judgment motion granted because Gleeson failed to demonstrate any ownership in the copyrighted songs or in the popular dance referred to as the “moonwalk,” and his claims of copyright infringement were time-barred). Gleeson’s instant action would also be time-barred under 17 U.S.C. § 507(b) because Gleeson did not commence the lawsuit within three years after his claims accrued.

Dated this 1st day of November, 2011.

/s/ Karen K. Klein

Karen K. Klein

United States Magistrate Judge